HON'BLE SRI JUSTICE GHULAM MOHAMMED

W.P.No.22372 of 1996

21-02-2006

Between:

Dyva Sekhar Rao.

… Petitioner

and

The Regional Manager,

Khammam Region, APSRTC,

Khammam district.

…Respondent

HON'BLE SRI JUSTICE GHULAM MOHAMMED

W.P.No.22372 of 1996

ORDER:

The petitioner seeks direction to the respondent to consider his application dated 13-10-1992 along with the certificates submitted by him at the time of interview.

The petitioner averred that he worked as Conductor in the bus bearing No.APH-999 belonging Sree Seetharamanjaneya Motor Bus Service from 20-09-1985 to 09-11-1987, which plied on the route Bhadrachalam to Penupaka. Subsequently, the route was nationalised and he became unemployed. In accordance with the policy of the Corporation, all the employees working in private service on the bus routes prior to nationalisation were absorbed in the services of the Corporation. The petitioner filed writ petition being W.P.No.16230 of 1991 seeking direction to the Corporation to absorb him as Conductor and the said writ petition was allowed in terms of the order in W.P.No.3654 of 1989 dated 15-03-1989.

Thereafter, the petitioner submitted an application dated 13-10-1992 before the Divisional Manager, Khammam, seeking absorption into the services of Corporation and later on, he was asked to bring the necessary certificates and attend the interview on 05-12-1992. When the petitioner was asked as to how he could prosecute the studies while working in private transport, he replied that with the arrangement made by the owner, he could study in the college. The respondent dissatisfied with the reply communicated the rejection order to the petitioner. The petitioner filed the service certificates issued by the bus owner and the Labour

Officer, Khammam; Conductor's licence in the material papers of the writ petition.

The respondent filed counter-affidavit stating that pursuant to the route nationalisation, a notification was issued by the Corporation calling for applications from the displaced persons and the interview date was fixed as 30-11-1987. In response thereto, three drivers and three conductors attended the interview along with certificates and the Committee selected two drivers and two conductors whereas the petitioner neither applied nor appeared for the interview. It is averred that the petitioner studied Intermediate during the years 1986-1988 whereas the owner of the bus certified that the petitioner worked as conductor from 20-09-1985 to 07-11-1987 and Labour Officer did not specify the period of his service.

Heard learned counsel for the petitioner and learned standing counsel for the respondent Corporation.

Learned standing counsel for the Corporation had produced the relevant record. It is seen from the record that the case of the petitioner was considered, he was interviewed and his application was rejected by the Divisional Manager, Khammam, vide Proceedings No.E2/199(2)/87-DVM/KMM dated 04-01-1993 stating that the certificate issued by the owner of bus is not genuine. The petitioner stated that he studied intermediate I and II years during the years 1986-87 and 1987-88 whereas the owner of the bus certified that the petitioner worked as conductor from 19-09-1985 to 07-11-1987. Further, the Labour Officer has not certified the period of service of the Conductor, which shows that the certificates are not genuine. In such situation, the case of the petitioner was rejected.

The petitioner cannot claim appointment as a matter of right, moreso when the certificates produced by him raise suspicion. There is nothing on record to show as to how the petitioner prosecuted the full time course of intermediate for two years

while working as conductor. The record of the Corporation reveals that the case of the petitioner was considered and rejected on the ground that the petitioner could not have simultaneously worked as Conductor and studied the intermediate course. Apart from this, the notification in respect of the route was already issued against which the petitioner did not apply and the selection was made and finalised. In these circumstances and at this length of time, the petitioner cannot be granted any relief.

The writ petition being meritless is accordingly dismissed. No order as to costs.

21-02-2006

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